

### Comments

The enclosed is responsive to the Examiner's Office Action mailed on March 18, 2003. At the time the Examiner mailed the Office Action claims 1 through 42 were pending. By way of the present response the Applicant has: 1) amended claims 1,2,6-12,15,17,20-27,29,31,33,36-41; and, 2) added new claims 43-57. As such claims 1-57 are currently pending. The Applicant thanks the Examiner for the objection to claims 2, 3, 7-10 and the allowance of claims 11-14 and 17-42; and, respectfully requests reconsideration of the present application and the allowance of claims 1-57.

The Applicant has herewith made proposed drawing changes to Figures 16a and 16b. The proposed changes to Figures 16a and 16b involve the inclusion of "Length Indicator" information being drawn as an input parameter to the Marking/Shaping Stage (in Figure 16a); and, the Shaping Logic 1617 of the Marking/Shaping Stage (in Figure 16b). The Applicant respectfully submits that neither of these changes correspond to the introduction of new matter at least in light of the following portions of the Applicant's specification

Page 26, line 18:

"... a length indicator 404 (also referred to as packet size)"

Page 93, lines 14 – 15:

"The appropriate delay is determined by shaping logic 1617 according to Equations 2 and 3 . . ."

Page 86, lines 14 – 20:

" Surplus Tokens =

Current No. Avail. Tokens - Packet Size (in tokens)

Eqn. 2

Scheduled Delay =

Eqn. 3

- a) 0 if Surplus Tokens > or = 0  
b) |Surplus Tokens| / Token Rate if Surplus Tokens < 0"

In the Office Action response mailed March 18, 2003 the Examiner objected to the Abstract for being too long. See, Examiner's Office Action mailed 3/18/03, pg. 2. In response, the Applicant has amended the specification so as to include a shorter abstract.

In the Office Action response mailed March 18, 2003 the Examiner objected to claim 15 for its use of the phrase "at least of said". See, Examiner's Office Action mailed 3/18/03, pg. 2. In response, the Applicant has amended the offending language so as to read "at least one of said". In light of this amendment the Applicant respectfully submits that the Examiner's objection has been overcome.

If there are any additional charges, please charge Deposit Account No. 02-2666. If a telephone interview would in any way expedite the prosecution of the present application, the Examiner is invited to contact Robert B. O'Rourke at (408) 720-8300.

Respectfully submitted,

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21

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